

**City of South Bend**  
**Council Meeting**  
**Monday, May 9, 2016 @ 5:30 pm**  
**Council Chambers**  
**1102 W. First Street, South Bend, WA**

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1. Call to Order
2. Pledge of Allegiance
3. Approval of Agenda and Consent Agenda  
Approval of Minutes: *April 25, 2016*
4. Correspondence
5. *Resolution #2016-06 – Setting of Public Hearing – Alley Vacation*
6. *Ordinance #1511 – Amending & Repealing Portions of SBMC 8.20 (First Reading)*
7. Items from the Public **[3 Minute Limit]**
8. Department Head Reports:
  - i) Police Chief Eastham
  - ii) City Supervisor Houk
  - iii) Clerk/Treasurer Roberts
  - iv) Fire Department
9. Mayor's Report
10. Council Comments
11. Adjournment

*Next Regular Meeting: Monday, May 23, 2016 @ 5:30 PM*

# **South Bend Council Meeting**

**Monday, May 9, 2016**

## **CONSENT AGENDA**

1. Approval of Vendor Checks

**Vendors – Check #41971 thru Check #42014 - \$86,644.64**

2. Approval of Payroll Checks

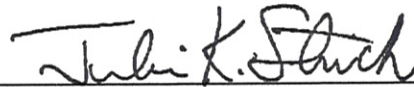
**Payroll – Check #24031 thru Check #24046 - \$96,010.01 Including Direct Deposit**

05/09/16

	VENDOR	AMOUNT	
41971	Allan McComas	\$ 857.91	Reimbursement for Travel - Training Defensive Tactics and Domestic Violence
41972	ALS Group USA Corp	\$ 60.00	Water Samples
41973	Ark Plumbing Services, Inc.	\$ 142.41	Repair/Maintenance - 101 Restrooms
41974	Borden's Auto Parts	\$ 63.46	Operating Supplies - Water/Sewer Fund
41975	Bud's Lumber & Electric	\$ 778.43	Operating Supplies - Parks \$107.84, Sts \$99.82, Wtr \$205.32, Lib \$92.79, Garb \$6.99, PD \$10.24, CH \$4.85 and Swr \$250.58
41976	CenturyLink	\$ 1,274.56	All Depts
41977	City of Raymond	\$ 32,279.85	DOE Loan - RWWTP (Next Payment 11/206 Payoff 2031)
41978	Coast Controls & Automation, Inc.	\$ 491.75	Repair/Maintenance - Water Fund
41979	Creative Community Solutions, Inc.	\$ 1,330.00	Shoreline Management Plan Update (DOE Grant Funded)
41980	Dave Williams	\$ 200.00	Noxious Weed Spraying - May 2016
41981	Dennis Company	\$ 118.79	Operating Supplies - Garbage Fund
41982	Dept of Revenue - EFT Pay	\$ 7,114.83	April 2016 Excise Tax on Water/Sewer/Garbage and Excise Tax on Out of State Purchases
41983	Flannery Publications	\$ 251.90	Legal Notices
41984	Hach	\$ 340.94	Chemicals - Water Fund
41985	Harold Koch	\$ 350.00	Refund Purchase of Impounded Vehicle
41986	HB Portables	\$ 100.00	Portable Toilet Rental - 03/20-04/16/16
41987	Invoice Cloud - EFT Pay	\$ 82.60	April 2016 Portal Access Fee
41988	L.N. Curtis & Sons	\$ 3,707.64	Repair/Maintenance - Fire Dept
41989	Luis Gonzalez	\$ 35.00	Interpreting Services
41990	Margie Packard	\$ 160.99	April 2016 Library Janitorial
41991	Office of Financial Management	\$ 4,668.43	April 2016 Fines & Forfeitures
41992	One Call Concepts, Inc.	\$ 6.60	Locates
41993	Pacific County Dept of Public Works	\$ 1,646.91	May 2016 Eklund Park
41994	Pacific County Prosecutors Office	\$ 62.45	April 2016 Crime Victims
41995	Pete Hinton	\$ 100.00	Interpreting Services - Municipal Court 04/13 & 04/15
41996	PUD #2	\$ 7,720.27	All Depts
41997	Royal Heights Transfer Station, Inc.	\$ 10,516.03	Dump Fees
41998	Ryan Herco Flow Solutions	\$ 102.86	Operating Supplies - Water Fund
41999	South Bend Pharmacy	\$ 17.48	UPS Fees - Water Fund
42000	South Bend Utilities	\$ 20.18	Deposit Refund
42001	South Bend Utilities	\$ 299.87	Deposit Refund

42002	Staples	\$	265.68	Office Supplies - CH \$153.40, Police \$22.94, Water \$43.45, Municipal Court \$22.94 & Sewer \$22.95
42003	Steve's Front End & Brake, Inc.	\$	383.57	Repair/Maintenance - Garbage Fund
42004	Systems Interface, Inc.	\$	1,215.81	Repair/Maintenance - Sewer Fund
42005	The Law Office of Jonathan Quittner	\$	220.15	Pro Tem work - Municipal Court 04/08 & 04/13
42006	The Pacific County Press, Inc	\$	75.80	Subscription Renewal \$39.00 and Job Posting \$36.80
42007	The Results Group, LTD	\$	500.00	Sergeants Academy - L Stigall
42008	The Watershed Company	\$	2,835.00	Shoreline Management Plan Update (DOE Grant Funded)
42009	Total Electric LLC	\$	1,732.04	Repair/Maintenance - Water Fund
42010	U.S. Fire Equipment LLC	\$	2,329.02	Annual Pump & Ladder Testing - Fire Dept
42011	US Postal Service	\$	110.00	Annual PO Box Renewal
42012	V & N Auto Parts	\$	507.81	Repair/Maintenance - Water \$167.40, Police \$261.95 and Garbage \$78.46
42013	VISA - EFT Pay	\$	653.80	Police \$556.71 and CH \$97.09
42014	Wilson Oil dba Wilcox & Flegel	\$	913.82	Fuel - Public Works

**TOTAL** \$ 86,644.64



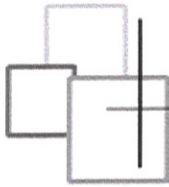
Mayor Struck



City Supervisor Houk



Police Chief Eastham



# Register

Number	Name	Fiscal Description	Cleared	Amount
<u>24031</u>	Ekman, Jace	2016 - April - Second Council Meeting - April		\$1,400.00
<u>24032</u>	Houk, Dennis	2016 - April - Second Council Meeting - April		\$1,650.00
<u>24033</u>	Ashley, Alan	2016 - April - Second Council Meeting - April		\$92.35
<u>24034</u>	Ekman, Jace	2016 - April - Second Council Meeting - April		\$927.32
<u>24035</u>	Houk, Dennis	2016 - April - Second Council Meeting - April		\$3,190.65
<u>24036</u>	Olsen, Lisa	2016 - April - Second Council Meeting - April		\$110.27
<u>24037</u>	AFLAC	2016 - April - Second Council Meeting - April		\$454.53
<u>24038</u>	Association of WA Cities	2016 - April - Second Council Meeting - April		\$2,574.97
<u>24039</u>	Dee Roberts-Coffee Fund	2016 - April - Second Council Meeting - April		\$42.00
<u>24040</u>	Dept of Labor & Industry	2016 - April - Second Council Meeting - April		\$4,274.93
<u>24041</u>	Dept of Retirement Systems	2016 - April - Second Council Meeting - April		\$10,047.52
<u>24042</u>	Nationwide Retirement Solutions	2016 - April - Second Council Meeting - April		\$405.00
<u>24043</u>	Teamster's Local #252	2016 - April - Second Council Meeting - April		\$472.00
<u>24044</u>	The Bank of the Pacific	2016 - April - Second Council Meeting - April		\$17,398.38
<u>24045</u>	Washington Counties Insurance Fund	2016 - April - Second Council Meeting - April		\$406.00
<u>24046</u>	Washington Teamsters Welfare Trust	2016 - April - Second Council Meeting - April		\$12,568.30
<u>April 2016 Draw Payroll</u>	Payroll Vendor	2016 - April - Second Council Meeting - April		\$9,250.00
<u>April 2016 Regular Payroll</u>	Payroll Vendor	2016 - April - Second Council Meeting - April		\$30,745.79
				<b>\$96,010.01</b>



**CITY OF SOUTH BEND  
COUNCIL MEETING – 04/25/16**

**1-2. CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

The council meeting was called to order by Mayor Struck at 5:30 pm followed by the Pledge of Allegiance. Members present: Councilor Williams, Councilor Neve, Councilor Webber, Police Chief Eastham, City Supervisor Houk, and Clerk/Treasurer Roberts. Councilor Olsen and Councilor Hall were absent.

**3. APPROVAL OF AGENDA, CONSENT AGENDA AND APPROVAL OF MINUTES**

A motion was made by Councilor Neve to approve the Agenda, Consent Agenda and the minutes of the April 11, 2016 regular meeting. The motion was seconded by Councilor Williams. **Vote: Ayes-3, Noes-0, Absent-2**

**Vendors – Check #41943 thru Check #41970 - \$44,344.01**

**4. CORRESPONDENCE - NONE**

**5. PUBLIC HEARING @ 5:31 PM – CDBG GRANT PROGRAM – FLIESS CREEK**

Mayor Struck opened the public hearing at 5:31 pm and pointed out that there were Community Development Block Grant (CDBG) Program handouts in the back of the room in English and Spanish. She also noted that there was a Spanish interpreter present if anyone in the audience needed assistance. The public hearing was part of the requirements for a Community Development Block Grant which the city is pursuing for Flieess Creek. South Bend Citizen and Pacific County Commissioner Steve Rogers applauded the city's efforts, saying it was a very smart move. There was no additional public in attendance for the hearing and there were no additional comments. The public hearing was closed at 5:32 pm




**6. RESOLUTION #2016-05 – FEE SCHEDULE**

City Supervisor Houk briefly pointed out the two new additional fees that were added to the fee schedule.

Councilor Williams made a motion accepting Resolution #2016-05 – Fee Schedule as presented. The motion was seconded by Councilor Webber. **Vote: Ayes-3, Noes-0, Absent-2**

**7. ITEMS FROM THE PUBLIC – NONE**

**8. DEPARTMENT HEAD REPORTS**

-  Police Chief Eastham gave a brief update of his department's happenings since the April 11, 2016 council meeting.
-  City Supervisor Houk reported that the crew had jetted the storm drain that runs down the middle of Highway 101. It was jetted from Ferry Street to Coast Seafood and there was a great deal of debris found including LOTS of sediment and broken manhole covers to old coins and trinkets. City Supervisor Houk feels this should greatly help the drainage issues during the rainy season.
-  City Supervisor Houk explained that the crew ditched behind Cheney (Community) Park. They installed a 15" drain pipe which replaced an old 8" culvert which will substantially increase the drainage flow from the South Bend School to Highway 101 during heavy rains.

## 9. MAYOR'S REPORT

- ❖ Mayor Struck explained that she had received an email from Ed Horvath of Three Rivers Mosquito and Vector Control explaining that he had been down larviciding and had dumped well over 100 buckets of water in various citizens' yards that were full of mosquito larva. He asked that the city encourage citizens to remove all standing water from their property to help control the mosquito population. Mr. Horvath also advised that he would like to post some signs around town reminding people to dump standing water. He advised he would do the signs at this own expense, include putting them up. The city and council supported his suggestion of signs. Mayor Struck also noted that there had been some concern by citizens about the Zika Virus but she reminded everyone that we have the wrong climate for this type of virus. It requires a tropical environment.
- ❖ Mayor Struck reported that, as required by the Department of Commerce to apply for the Fliess Creek grant, the City of South Bend hired Evergreen Rural Water to conduct an Income Survey of all **Water Only** (outside the city limits) users which was completed approximately two weeks ago. Those survey results were included with the income results for all others in South Bend with a result of a 51.5% income limit. The low to moderate income limit for a CDBG Grant is 51.0% or higher. Thankfully the city will qualify under the income portion of the CDBG grant.
- ❖ Mayor Struck explained that the city's insurance company, Association of Washington Cities (AWC), responded to the city's request regarding Citizen Greg Hinz's request to pursue a grant for Cheney (Community) Park to create a small sports complex at the park (See March 14 and 28, 2016 Council Minutes). AWC sees no issue with the request, but reminded the city that any "organization" that uses the park for sporting events needs to provide the city with a copy of their liability insurance. The city has contacted Mr. Hinz and told him he had the okay from the city to move forward.

## 10. COUNCIL COMMENTS

- Councilor Webber spoke regarding the ongoing investigations that are part of Police Chief Eastham department including rape cases that Councilor Webber has sat through recently as part of her job. Councilor Webber explained that so many people don't understand how much time – often 100's of hours – it takes to work these cases and that they are always on going. They require specialized training and they are not easy cases to deal with. They are emotional and terrible and can take a real toll on the officers involved. Councilor Webber explained that she personally doesn't know how Police Chief Eastham and his department handle these cases with the limited resources they have. Councilor Webber reiterated that the South Bend Police Department does an excellent job!
- Councilor Neve congratulated Police Chief Eastham on the opening of the new business – Timber Grounds. Police Chief Eastham explained that the business was his wife's and son Jesse's, but thanked her.
- Councilor Williams announced that he would not be at the next council meeting – May 9<sup>th</sup>.

## 11. ADJOURNMENT

The meeting was adjourned at 5:46 PM to meet again at 5:30 PM on Monday, May 9, 2016 for the next regularly scheduled meeting at South Bend City Hall.

\_\_\_\_\_  
**Julie Struck**  
Mayor

ATTEST:

\_\_\_\_\_  
**Dee Roberts**  
Clerk/Treasurer



**RESOLUTION # 2016-06**

**A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SOUTH BEND TO SET A PUBLIC HEARING FOR THE VACATION OF ALL THAT PORTION OF THE ALLEY LYING WEST (16' WIDTH X 120' LENGTH) OF LOT 11 IN BLOCK 2 IN THE SECOND ADDITION TO SOUTH BEND, ACCORDING TO THE PLAT THEREOF ON FILE IN VOLUME D-2 OF PLATS, PAGE 75 IN THE OFFICE OF THE AUDITOR OF PACIFIC COUNTY WASHINGTON**

**WHEREAS**, a petition has been filed with the Clerk/Treasurer of the City of South Bend, Washington requesting a vacation of all that portion of the alley lying West (16' width x 120' length) of Lot 11 in Block 2 in the Second Addition to South Bend, according to the plat thereof on file in Volume D-2 of Plats, Page 75 in the office of the Auditor of Pacific County, Washington;

**WHEREAS**, all requirements set forth in RCW 35.79.010 have been met

**NOW BE IT RESOLVED** that the City Council of the City of South Bend, Washington will hold a public hearing at the hour of 5:35 PM on the 23<sup>rd</sup> of May in the City Council Chambers for the purpose of hearing testimony relating to the proposed vacation of the alley lying West of Lot 11 in Block 2 in the Second Addition to South Bend.

Upon motion made for the adoption of this resolution, the following vote was cast by the City Council of the City of South Bend on the 9<sup>th</sup> day of May, 2016:

**Ayes -**

**Noes -**

**Absent -**

\_\_\_\_\_  
Julie K. Struck, Mayor

**AUTHENTICATED BY:** \_\_\_\_\_

Dee Roberts, Clerk/Treasurer

**Publish: May 18, 2016**





## Street Vacation-Assessed Value

**Applicant:** Mark and Joyce Kidd

**Site Address:** 508 E. Water Street

**Street(s) and/or Alley(s) Affected:** Alley lying west of lot 11 in Block 2 of the Second Addition to South Bend.

**Described as:** All that portion of the Alley lying West of lot 11 in Block 2 in the Second Addition to South Bend, according to the plat thereof on file in Volume D-2 of Plats, Page 75 in the office of Auditor of Pacific County, Washington.

**Formula Methodology:** Used 3 similar properties for this comparison; properties were determined to be similar to the petitioned property in that all are unimproved, in the same residential area, and gradient being flat (see attached Exhibits):

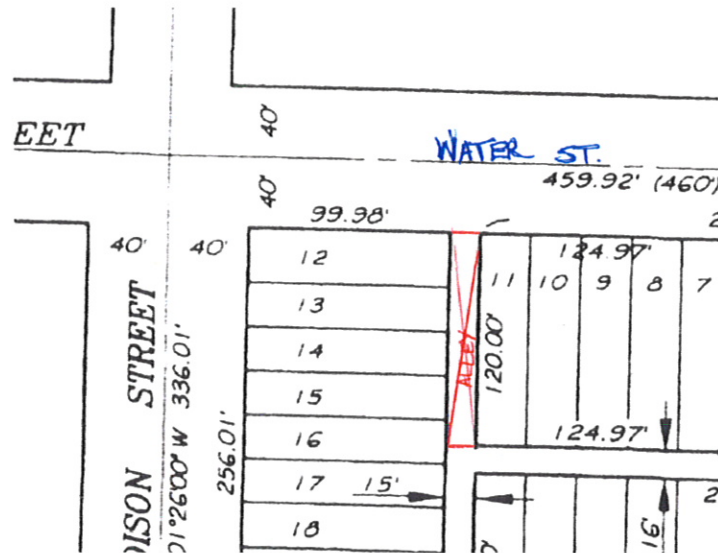
- A. Parcel # 71015005015 – Map # SB 1<sup>st</sup> 05,15 – South Bend, WA.
- B. Parcel # 71015039022 – Map # SB 1<sup>st</sup> 39,22 – South Bend, WA.
- C. Parcel # 71015022031 – Map # SB 1<sup>st</sup> 22,31 – South Bend, WA.



# Fair Market Value Computation Worksheet

Mark and Joyce Kidd Alley Vacation

## 1. Alley Square Footage Determination:



Length: = 120'

Width: per plat map = 16'

120' X 16' = 1,920 sq'

2. **Comparables:** Take Assessed Value ÷ Square feet (width X depth) = Price per square foot.

Exhibit	Assessed Value	÷	Sq' (W X D)	=	Price (per sq')
A	\$25,000	÷	11,000 sq ft	=	\$2.27 per sq'
B	\$18,000	÷	13,080 sq ft	=	\$1.38 per sq'
C	\$15,000	÷	6,000 sq ft	=	\$2.50 per sq'

3. **Calculations:** Take Total Price (per sq') of all Exhibits ( A thru C) and divide that Total Price by the number of exhibits (3) to achieve the average price of the comparables per square foot.

a. Calculation:  $\$2.27 + \$1.38 + \$2.50 = \$6.50 \div 3 = \$2.05$  per sq'

b. Calculation price per square foot: \$2.05

4. **Fair Market Value:** Take square footage of subject property and multiply it by the calculated price per square foot for the comparables:

a. Calculation:  $16' \times 120' = 1,920 \text{ sq' } \times \$2.05 = \$3,936.00$

b. Market Value: \$3,936.00

5. **Petitioner Pays One-Half of Market Value: \$1,968**

**Described as:** All that portion of the Alley lying West (16' width x 120' Length) of lot 11 in Block 2 in the Second Addition to South Bend, according to the plat thereof on file in Volume D-2 of Plats, Page 75 in the office of Auditor of Pacific County, Washington.

## **ORDINANCE #1511**

### **AN ORDINANCE FOR THE CITY OF SOUTH BEND, WASHINGTON AMENDING AND REPEALING PORTIONS OF CHAPTER 8.20 OF THE CITY OF SOUTH BEND'S MUNICIPAL CODE**

**WHEREAS**, the City of South Bend, Washington Garbage and Refuse collection service is a public utility operated by the City for its citizens, and

**WHEREAS**, the City must periodically amend ordinances to stay current with changing times and situations that arise within the City,

**THE CITY COUNCIL OF THE CITY OF SOUTH BEND, WASHINGTON DO ORDAIN AS FOLLOWS:**

**Section 8.20.020 Intent – Shall be *amended* as follows:**

The maintenance of the community's health and sanitation require, and it is the intent of this chapter to make, collection, removal, and disposal of garbage, refuse and dead animals within the city of South Bend compulsory and universal. The regulation of the disposal and hauling of garbage and rubbish in the city shall be under the direction of the city supervisor, who shall prepare reasonable regulations concerning the days of collection of refuse, location of waste containers, and any other regulation pertaining to the collection and disposal of waste as he may deem advisable, and provided that such regulations are not contrary to this chapter.

**Section 8.20.030 Service Compulsory-Compliance-Clean – Shall be *added* as follows:**

- A. Compulsory. It is compulsory for every person in possession, charge or control of any structure within the city to take a collection service provided by the city for refuse. It is compulsory for every person in possession, charge or control of any house, dwelling, multiunit residence, apartment house, trailer court or any building put to residential use to take recycling services provided by the city for recycling materials. Failure to make use of such service shall not exempt any party from the payment of the regular charges established for that service. The city may, when unusual or extraordinary circumstances prevail, grant an exemption from compliance with this section. The city must approve any service level for collection of refuse for all customers.
- B. Compliance. It is unlawful for any person to burn, dump, collect, remove or in any manner dispose of garbage, rubbish, trash, offal and any other waste upon or over any of the streets, alleys, public places or private property within the city except as may be directed by the city on special occasions and/or otherwise than as is provided for in this chapter.
- C. Cleanup. It is unlawful for any person in possession, charge or control of any property from which refuse is collected by the city, who has knowledge that refuse from their property which has been deposited by the elements, animals or other causes upon public property or private property, to allow such refuse to remain for more than twenty-four hours. The health officer shall have the authority to enforce the provisions set forth in this chapter as they pertain to public health or sanitation in conjunction with any other city personnel.

**Section 8.20.030 Definitions – Shall be *amended* as follows:**



## **Section 8.20.040 Definitions**

For the purposes of this chapter, the following definitions shall be and are hereby defined:

“City” means the city of South Bend.

“Commercial” or “commercial dwelling” means a building or group of buildings designed, intended for or used for any purpose other than single or multiple dwellings, and shall include office buildings. Any building or group of buildings where combined residence and business is practiced, where such business is advertised by a sign of any type on the premises and/or is listed in the telephone directory as a business except those businesses conducted in an approved home occupation or otherwise exempted by the city, shall be classified as a commercial dwelling.

“Dead animals” means all animals, large or small, which may die or be killed for other than food purposes.

“Garbage” is composed of putrescible (organic) waste matter such as that left from the preparation of food, food processing, animal excreta, and small dead animals.

“Health officer” means the city or county health officer or other authorized representative as defined by state law.

“Person” means every person, firm, partnership, association, institution and corporation. The term also means the occupant or owner of the premises for which service is rendered pursuant to this chapter.

“Refuse” consists of garbage and rubbish and is the accumulation of waste matter which has been discarded as of no further value to the owner.

“Residential” means a building or separate living unit designed and intended for occupancies as a dwelling and having its own housekeeping and kitchen facilities. Single-family residences, apartment units, duplexes, triplexes, fourplexes and condominium units shall be considered residential units. Hotel, motel and rooming and boarding units designed primarily for transient tenancy shall not be considered residential units, but shall be subject to commercial charges.

“Rubbish” means inorganic waste consisting of, but not limited to, ashes, bottles, jars, cans, small shrubs and twigs, rags and paper products.

“Supervisor” shall mean the city supervisor.

## **Section 8.20.050 Collection Service-Frequency Shall be *added* as follows:**

- A. It is unlawful for anyone except the city to collect solid waste within the city for compensation without the approval of the city. It is standard service for each residence to receive every week collection service to encourage recycling and alternatives to disposal of household waste.
- B. Every person desiring to engage in the collection of solid waste for compensation within the city who is not acting as an agent for the city shall make written application to the city. The city shall prepare reasonable rules and regulations for the licensing, control and approval of any application, including fees to cover the cost of administrating, controlling and overseeing any collector. Approval shall not be granted in any case where such collection will adversely affect the city.
- C. The collector of refuse shall collect, remove and dispose of all garbage and refuse in the residential section of the city at least once every week, and from hotels, restaurants, boarding

houses, eating places, apartment houses, schools, hospitals, and in the business sections of the city as shall be required to maintain a healthful and sanitary condition.

**Section 8.20.050 Container Requirement Shall be *amended* as follows:**

**Section 8.20.060 Container Requirement**

- A. Residential, commercial and industrial refuse producers shall use watertight, rodent-proof, garbage containers not exceeding 32-gallon capacity, up to four in number.
- B. Public, commercial and industrial producers requiring more than four standard containers per week shall use a bulk container approved by the supervisor.
- C. Occasional extra waste materials shall be in heavy duty plastic bags of sufficient strength to allow the bag to be suspended two feet above the ground without breaking or tearing. In the case of container failure, it is the duty of the person in possession of garbage container(s) to pick up all garbage or refuse that has not been contained in bags, boxes etc.
- D. Each container shall be kept in a sanitary condition and in good repair with the lid tightly fitted in place when not actively depositing or removing refuse.
- E. It is the duty of every person in possession, charge or control of any structure within the city where waste is created or accumulated at all times to use city-owned containers or other containers as approved by the city, in accordance with this chapter, and to deposit or cause to be deposited refuse therein. If such a person is furnished a Commercial Bulk Container and/or recycling container then such person shall be responsible for maintaining the container in a clean condition.
- F. Location. No container shall be kept or stored within the confines of any street or public alley in the city, except as otherwise allowed by the city. Containers placed on private property which have been approved for pickup by the city shall be placed in a preapproved, readily accessible location.
- G. Curb-Side. Containers that are to be picked up at the curb-sides shall, on the day of collection, be placed in a timely manner in an accessible location to the traveled roadway. Any container which is placed out for curb-side pickup shall be removed, by the person in possession, charge or control of said container, from public right-of-way within twenty-four hours after collection unless otherwise allowed by the city.
- H. No enclosure or other structure may be placed around any city-owned container in its accessible location for pickup without the review and approval of the city.
- I. Special Containers. Suitable containers, such as compactor units and drop boxes, may, with the permission of the city, be used by establishments which dispose of refuse in such quantity that containers, as defined in this chapter, would be impractical or inefficient. These containers shall be kept in good condition with close-fitting lids and watertight construction. The city, after proper notification to the person in possession, charge or control of said container, may require the replacement or repair of any container which deteriorates to an unsatisfactory condition. Disposal of refuse from these containers shall be as authorized by the city.
- J. Prohibited Materials. The rules and regulations authorized by this chapter shall provide for the materials that can and cannot be placed in any city-owned container. The city may decline to pick up any container which has unauthorized materials placed in it.
- K. The chapter for service shall not be waived for violation of any of the rules and regulations imposed or authorized by this chapter, where collection is denied by the city.
- L. Container Damage and Replacement. If any container owned by the city is damaged or lost through the abuse or neglect of any person in possession, charge or control of said container, the person in possession, charge or control of said container shall be held responsible for the cost of repair or replacement of the container.
- M. Customers may exchange city-provided refuse containers for a different size within the first six months of new service for no charge. There is no charge for exchange of a refuse container for a smaller size.

**Section 8.20.070 Container Use Shall be *added* as follows:**

- A. No person shall place any garbage, rubbish, refuse or recycling materials in any city-owned container other than the container which was assigned by the city to such person and as directed by the city.
- B. No person other than a city-approved, authorized collector or city employee charged with that responsibility shall tamper with or remove any solid waste or recyclables from a city-owned container other than the owner or occupant of the property served by such container.

**Section 8.20.080 Garbage Draining and Wrapping Shall be *added* as follows:**

All garbage shall be drained of liquids and wrapped in paper, plastic or other material before being placed in the container. The city may decline to collect undrained garbage which is in a liquid state, unwrapped or improperly placed.

**Section 8.20.090 Dead Animals Shall be *added* as follows:**

Dead animals on public property or right-of-way shall be collected and removed by the solid waste utility. Dead animals shall not be placed in any city-owned container unless approved by the city. Any animal or any part of an animal from slaughterhouses or similar places, regardless of size, shall be regarded as industrial refuse and shall not be collected by the city.

**Section 8.20.060 Fund Created shall be *amended* to Section 8.20.100**

**Section 8.20.070 Charges for Collection shall be *amended* to Section 8.20.110**

**Section 8.20.080 Rates shall be *amended* to Section 8.20.120**

**INTRODUCED** this 9<sup>th</sup> day of May, 2016 **AND PASSED** on the 23<sup>rd</sup> day of May, 2016 by the following vote:

**Ayes –**

**Noes –**

**Absent –**

\_\_\_\_\_  
Julie K. Struck, Mayor

**AUTHENTICATED BY:** \_\_\_\_\_  
Dee Roberts, Clerk/Treasurer

Publish: 06/01/16

**2016 South Bend Municipal Court  
Monthly Recap**

	2016 Total Fines & Forfeitures	Less Payment to Office of Financial Management	Less Reimbursements and/or Restitution	2016 Net Total to Budget	2015 Net Total to Budget
<b>Jan-15</b>	\$9,487.06	(\$4,387.34)	(\$401.23)	\$4,698.49	\$6,615.85
<b>Feb-15</b>	\$11,889.75	(\$4,593.01)	(\$184.01)	\$7,112.73	\$4,439.81
<b>Mar-15</b>	\$12,572.00	(\$4,998.49)	(\$111.85)	\$7,461.66	\$7,248.46
<b>Apr-15</b>	\$14,055.50	(\$4,668.43)	(\$112.45)	\$9,274.62	\$10,141.14
<b>May-15</b>					\$6,953.01
<b>Jun-15</b>					\$8,342.17
<b>Jul-15</b>					\$15,397.76
<b>Aug-15</b>					\$15,219.12
<b>Sep-15</b>					\$9,711.29
<b>Oct-15</b>					\$7,347.05
<b>Nov-15</b>					\$4,735.37
<b>Dec-15</b>					\$4,940.92
<b>Total to Date</b>	\$48,004.31	(\$18,647.27)	(\$809.54)	\$28,547.50	\$101,091.95